

POTENTIAL REVISIONS TO THE OPEN SPACE REQUIREMENTS

The purpose of these draft standards is to better articulate the requirements for parks and open space associated with new development in the City of Independence. The draft would:

- Clarify the requirements for open space dedications in new subdivisions including the types of land that may be counted toward the 6.25 percent total that is required for most subdivisions (see IDC 90.90.060).
- Make the requirements for open space associated with multi-unit housing consistent throughout the city. As drafted, the proposal would:
 1. Waive the 15 to 20 percent site landscaping/open space requirement for new apartment developments in the Mixed Use Pedestrian Friendly Commercial Zones, Downtown Riverfront Zone, and Central Talmadge area. A 15 percent open space requirement would be retained for new apartments in other portions of town (see IDC 54.205(A)).
 2. Add a requirement for all apartment developments to include a certain amount of “usable open space” (see IDC 19.020(B)(1)(b)).
 3. Apply the private open space standard from the Downtown Riverfront Zone and the Mixed Density Residential Zone to all new apartment buildings (see IDC 19.020(B)(1)(c)).

The Planning Commission will discuss the changes at their meeting of June 15.

Changes to Subchapter 19: Residential Design Standards

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19.020 Special Standards for Certain Uses

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B. Multiple-unit family housing. Additional standards for multi-unitfamily housing are listed below: ~~in the applicable underlying zone.~~

1. Multiple-unit housing. New multiple-unit developments shall comply with the following standards:

a. Common open space/landscaping standard. Common open space/site landscaping is required per IDC 54.205(A)(1).

b. Minimum Usable Common Open Space. For developments with 20 or more residential units, a usable common area is required (regardless of whether 15 percent of the site is required to be landscaped per IDC 54.205(A)(1)).

i. Required Usable Common Open Space: The usable space shall be 500 square feet plus 50 square feet per unit over 20 units. No horizontal dimension of the space may be less than 20 feet.

ii. Required Improvement. The required usable common open space must be entirely improved with one or more of the following amenities:

- A. Inground permanent swimming pools with a minimum area of 400 square feet, or inground spas or hot tubs. Common patios and decks or pavement abutting and within 50 feet of the swimming pool, spa, or hot tub may be included.
- B. Regulation sized and equipped sports courts for tennis, handball, volleyball, pickleball, and/or basketball.
- C. Community gardens for use by residents to grow food and other vegetation. Gardens must have irrigation available for use by the residents.
- D. Rooftop terrace or ground level courtyards accessible to residents. A terrace or courtyard must include barbeques, tables, and seating that are available for use by residents.
- E. Indoor community rooms.
- F. Multi-use paths at least 10 feet wide, centered within a 20-foot-wide easement constructed to city standards as approved by the City Engineer. The path must connect to a nearby proposed or existing trail, if applicable.
- G. Children's Play Areas that include a play structure or play equipment at least 200 square feet in area, and at least two (2) different children's play amenities/equipment approved for use in a public playground. Equipment must be manufactured to American Society for Testing and Materials (ASTM) F1487-11 standards or other comparable standards applicable to public playground equipment.

iii. Usable common open space may count toward the common open space/landscaping requirement.

c. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:

- i. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
- ii. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and
- iii. If feasible, the majority of private open space areas provided shall be oriented toward common open space areas and away from adjacent single-unit residences, trash receptacles, parking and drives.

d. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened to meet the standards of Section 54.010(C) of the

Independence Development Code. Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.

- e. Signs. Signs shall be subject to the provisions of Subchapter 58.
- f. Access. Access to the property from a street shall comply with the Public Works Design Standards and be located to minimize traffic congestion and avoid directing traffic into residential areas. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.

Changes to Subchapter 21: Medium-Density Residential (RM)

(Reflects Changes from Draft Infill Code)

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21.065 — Development Standards for Multiple-Family Development

- ~~A. Signs. Signs shall be subject to the provisions of Subchapter 58.~~
- ~~B. Landscaping. All development is subject to the landscaping provisions in Subchapter 54. Recreation areas may be included as part of the required landscaping.~~
- ~~C. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened to meet the standards of Section 54.010(C) of the Independence Development Code. Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.~~
- ~~D. Access. Access points to property from a street shall be located to minimize traffic congestion and avoid directing traffic into residential areas. Existing access roads and access points shall comply with the Public Works Design Standards. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.~~

Changes to Subchapter 22: High-Density Residential (RH)

(Reflects Changes from Draft Infill Code)

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22.065 — Development Standards for Multiple-Family Development

All multiple-family residential developments in the RH Zone shall comply with the following specific standards:

- ~~A. Signs. Signs shall be subject to the provisions of Subchapter 58.~~
- ~~B. Landscaping. All development is subject to the landscaping provisions in Subchapter 54. Recreation areas may be included as part of the required landscaping.~~
- ~~C. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened to meet the standards of Section 54.010(C) of the Independence Development Code. Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.~~

~~D. Recreation Area. Each lot having a multiple-unit residential building on it shall have at least 300 square feet of recreation area per dwelling unit. The required recreation area can be located within the required front or rear yards and shall include a combination of planted grass and hardscape areas. Hardscape areas shall not account for more than 50% of the total area. Recreation areas that are provided as shared areas for multiple units shall include a combination of the following amenities:~~

- ~~a. Outdoor seating.~~
- ~~b. Small play structures or nature play structures.~~
- ~~c. Planted grass areas.~~

~~E. Access. Access points to property from a street shall be located to minimize traffic congestion and avoid directing traffic into residential areas. Existing access roads and access points shall comply with the Public Works Design Standards. All access roads and driveways shall be surfaced with asphaltic concrete or similar permanent surfacing.~~

Changes to Subchapter 23: Mixed Density Residential (MX)

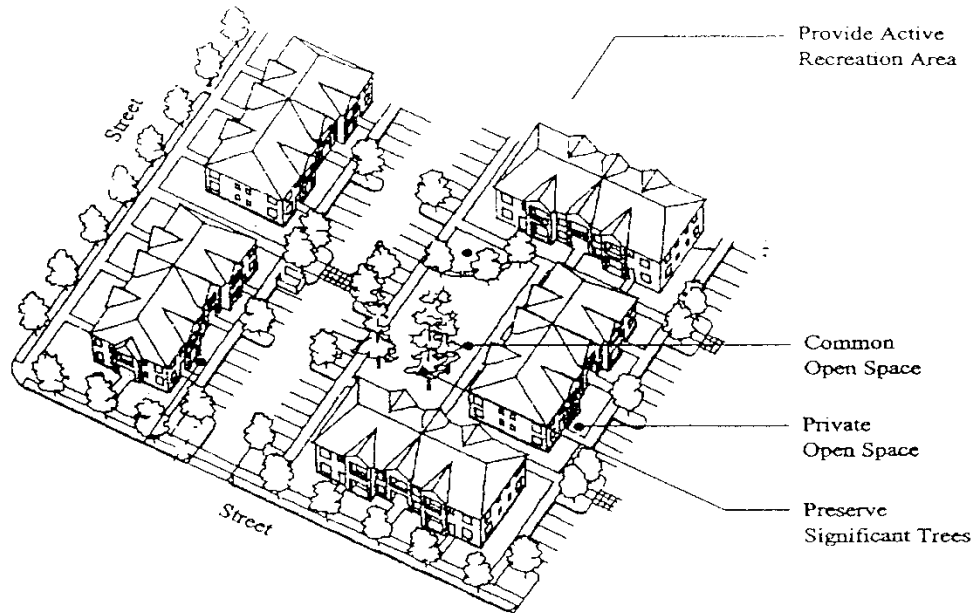
(Reflects Changes from Draft Infill Code)

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Section 23.065: Development Standards for Multiple-Family Development

~~A. Multiple-unit housing. Multiple-unit housing is allowed per the Site Design Review process within the Mixed Residential (MX) Zone. New multiple-unit developments shall comply with all of the following standards:~~

Figure 23.050(3) – Multiple-family Housing (typical site layout)



- ~~1. Common open space standard. Inclusive of required setback yards, a minimum of 15 percent of the site area shall be designated and permanently reserved as usable common open space in developments with more than 20 multiple-unit or attached single-unit dwellings as specified by Subsection 23.010(B). The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.~~
- ~~2. Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:
 - ~~a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);~~
 - ~~b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and~~
 - ~~c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-unit residences, trash receptacles, parking and drives to the greatest extent practicable.~~~~
- ~~3. Exemptions. Exemptions to the common open space standard may be granted for the land area associated with the first 20 units of a larger project when the developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields; children's play area, sports courts, walking/fitness course, or similar facilities.~~
- ~~4. Landscaping. All development is subject to the landscaping provisions in Subchapter 54. Recreation areas may be included as part of the required landscaping.~~
- ~~5. Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened to meet the standards of Section 54.010(C) of the Independence Development Code. Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.~~
- ~~6. Signs. Signs shall be subject to the provisions of Subchapter 58.~~

Changes to Subchapter 33: Mixed Use Pedestrian Friendly Commercial Zone (MUPC)

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33.020 Special Use Limitations for Residential Buildings

Multiple-unit (and mixed use?) developments in the Mixed Use Pedestrian Friendly Commercial Zone are subject to the requirements in IDC 19.020(B).

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Changes to Subchapter 34: Downtown Riverfront Zone (DRZ)

(Reflects Changes from Draft Infill Code)

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34.050 Townhomes, Rowhouses and Multifamily Standards

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B. Multiple-Unit housing. New multiple-unit developments shall comply with all of the following standards in IDC 19.020(B).

1. ~~Private open space standard. Private open space areas shall be required for ground floor and upper floor housing units based on all of the following standards:~~
 - ~~a.~~ A minimum of 50 percent of all ground floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
 - ~~b.~~ A minimum of 50 percent of all upper floor housing units shall have balconies or porches measuring at least 24 square feet. Upper floor housing means housing units that are more than 5 feet above the finished grade; and
 - ~~c.~~ Private open space areas shall be oriented toward common open space areas and away from adjacent single unit residences, trash receptacles, parking and drives to the greatest extent practicable.
2. ~~Landscaping. All development is subject to the landscaping provisions in Subchapter 54, except as amended in subsection 34.055(B). Recreation areas may be included as part of the required landscaping.~~
3. ~~Screening. All exterior garbage collection areas, recycling areas, and mechanical equipment shall be screened to meet the standards of Section 54.010(C) of the Independence Development Code. Garbage collection areas, recycling areas and mechanical equipment shall be located away from the street.~~

- ~~4. Design Review. All new developments and expansion of an existing development shall be subject to the Site Design Review procedures of Subchapter 80.~~

Changes to Subchapter 54: Buffering, Screening, Landscape and Ash Creek Setback Requirements

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54.205 Landscaping Requirements.

The following areas shall be landscaped in accordance with the requirements listed below. These requirements may be used in conjunction with the buffering and screening requirements listed in 54.010 above. The requirements in this subsection are not applicable to manufactured dwelling parks, which are regulated by Subchapter 61 of the Independence Development Code.

A. Site Landscaping Standards. Commercial, Industrial, Mixed-Use, and Multiple-family Unit residential developments or dwelling structures containing three (3) five (5) or more units, which are not cottage cluster development, require the following landscaping:

- ~~1. Multiple family residential developments or dwelling structures containing three (3) or more units:~~

- ~~1. a. A minimum of 20% 15 percent of the gross site area shall be landscaped. Landscaped areas included within the calculation may include ground cover, shrubs and trees for foundation planting, entrance plantings, parking island and perimeter plants.~~
- ~~b. Each ground level unit, excluding manufactured homes, shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents.~~

2. e. The standard in IDC 54.205(A)(1)(a) shall not apply in the Mixed-Use Pedestrian Friendly Commercial Zones, or the Downtown Riverfront Zone, or areas within the Central Talmadge area.

2. Commercial, Industrial and Mixed Use Developments:

a. A minimum of 15% of the gross site area is required to be landscaped.

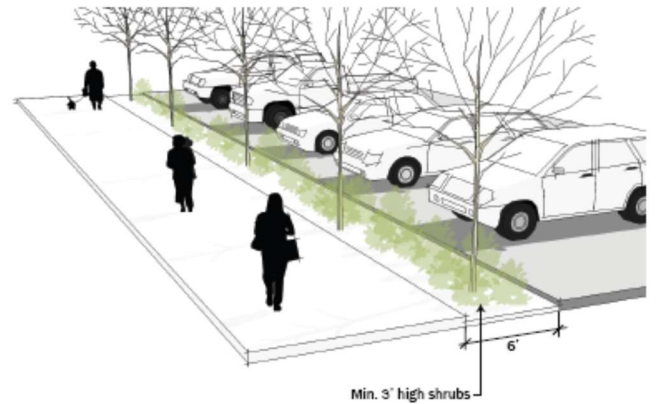
b. The standard in IDC 54.205(A)(2)(a) shall not apply in the Mixed-Use Pedestrian Friendly Commercial Zones or the Downtown Riverfront Zone.

3. Landscape Requirements. For developments that require a set percentage of the site to be landscaped:

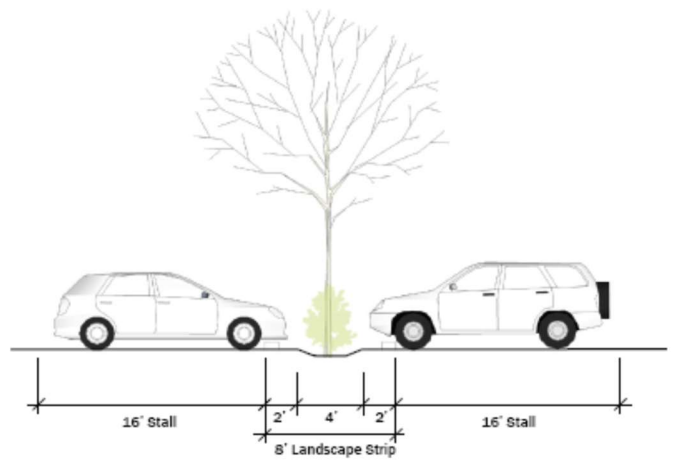
a. Landscaping shall be provided in the form of a dedicated landscape zone that has at a minimum a rate of one (1) tree and three (3) shrubs per every 400 square feet of contiguous open space. Remaining area within the 400 square foot open space area shall be planted with ground cover, including grass, that fills the area after three (3) years.

b. Up to 30% of the landscaping requirement for the site may be dedicated to hardscape – walkways, plazas and small gathering areas. Every attempt shall be made to use permeable materials such as grasscrete, gravel, or previous asphalt.

4. Requirements for Additions.



[1]



[2]



[3]

Off-Street Parking Lot Landscaping. Parking lot appearance and functionality can be improved by [1] a minimum perimeter setback of 6 feet with ground cover, shade trees, and shrubs that are a minimum of 3 feet high [2] internal landscaping strips that are a minimum of 8 feet wide [3] and stormwater detention and retention landscaping that reduces run-off while also providing a buffer between parking and pedestrians.

- a. Any addition to or expansion of an existing structure that falls within the standards in IDC 54.205(A) shall provide landscaping for the addition. To determine the amount of landscaping necessary, the applicant shall calculate the total area that will be covered by new impervious surfaces (whether parking spaces, loading areas or building footprint) and multiply the total by the proportion of landscaping required.
- b. Landscaping to be installed for an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the City.

B. Parking Lot Landscaping Standards. Parking lots that contain over ten (10) parking spaces are required to use curbed islands and landscape strips consisting of plantings therein to break up parking areas. The following landscape standards shall apply to off-street parking lots:

1. Perimeter landscaping

- a. In all parking lots a minimum perimeter of six (6) feet shall be landscaped within the front and side yard setbacks to buffer the parking lot. Provided that, for parking lots with 20 or fewer parking spaces, the perimeter landscaping shall only be required next to an adjacent street. The six (6) foot wide strip shall be landscaped with:
 - i. Noninvasive ground cover (including grass),
 - ii. Shrubs that are a minimum of three (3) feet high after two (2) years and form a continuous screen, and
 - iii. Approved street trees that are a minimum a 2.5" caliper and are planted at a rate of one (1) every 25 feet.
- b. A three (3) foot high wall or planter constructed of either concrete or masonry may be substituted for ground cover or shrubs to screen the sidewalk from parking.

2. Interior landscaping.

In parking lots that have more than ten (10) parking spaces, there shall be a minimum of 150 square feet of landscaping per every ten (10) spaces that includes two (2) shade trees for every ten (10) spaces. Any extra landscaping used along the perimeter of a parking lot or used for parking lot screening (per IDC 54.010(C)) can be used to help meet this requirement.

Changes to Subchapter 90: Subdivision Regulations

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90.90.060 Land for Public Purposes

A. The applicant shall dedicate to the City a tract of land within or adjacent to the proposed subdivision, not less than 6.25 percent of the gross area of said subdivision for public park and recreation purposes. The following lands shall be dedicated: Any tract of land dedicated shall be approved by the City as being suitable and adaptable for park and recreation uses.

1. Lands defined in the Independence Parks System Master Plan or Southwest Independence Concept Plan.
2. When lands are located in the Southwest Concept area and are provided in addition to the areas shown in the Southwest Independence Concept Plan, the lands should be:
 - a. A half-acre in size with a minimum dimension of 120 feet in any direction or
 - b. Connected to a trail corridor anticipated in the Southwest Concept Plan.
3. When lands are located outside of the Southwest Concept area, the lands should be:
 - a. A half-acre in size with a minimum dimension of 120 feet in any direction or
 - b. Located in an area that could be next to park land on an adjoining developable parcel, where possible.

Where a park would not be a half-acre in size but could be sited in a manner to produce a park that meets the requirements of IDC 90.90.060(A)(3)(a) when adjoined to a park on the neighboring property, the Planning Commission may accept the land as a park dedication.

B. Any tract of land proposed to be dedicated to the City shall be suitable and adaptable for park and recreation purposes. The following conditions represent adaptable and suitable park land.

1. The land must not be polluted according to a Phase I Environmental Site Assessment.
2. The land must not be covered with spoils and must be seeded with grass, unless preserved natural habitat exists in the area.
3. The property must have a water service stubbed to the property for future irrigation and other park use.
4. The property must not be located along a railroad track or a major arterial roadway.
5. To ensure "eyes" on the facility, the land must have at least 50 percent of the front facades of buildings that are adjacent to the property or across a street from a park (i.e. with no intervening structures) oriented to the park.
6. Floodplains may be used toward the park requirement, so long as a paved trail at least 10 feet wide is constructed to make the area suitable for use as park land.
7. Lands with highly restricted potential uses such as those encumbered by wetlands or powerline corridors may count toward the required park total so long as a paved trail at least 10 feet wide is constructed along the area to adapt the land for park use. The lands shall, however, only count at half their acreage to determine the required amount of parks. In other words, if only wetlands or power lines are provided as park land for a project site and 6.25 percent of the site is required to be parks, 12.5 percent of the site is required to be provided as open space.

8. Stormwater ponds that have not been designed to be accessible or usable by the public cannot be counted toward the required park or recreation land. Stormwater facilities without fences, which are usable or otherwise enjoyable by the public, such as a stormwater facility next to a walkway as shown in the Southwest Concept Plan, may be counted toward the required park total using the method articulated for wetlands in IDC 90.090.060(B)(5).

C. Where an applicant seeks flexibility from these standards, the applicant may seek a variation from the requirements from the Independence Planning Commission. Factors that the Planning Commission may consider include but are not limited to:

1. Whether the proposed provision of amenities within a park reduces the need for park acreage.
2. Whether the proposed park design achieves other adopted City goals or policies beyond the provision of park acreage alone.

This flexible approach, however, is not intended to propose an alternative to the protection of key pedestrian or riparian corridors shown in adopted City plans such as the Park System Master Plan, Southwest Concept Plan or Central Talmadge Plan.

D. ~~B-~~Where land is not able to be provided as required in IDC 90.90.060(A) through (C), the Planning Commission shall require ~~At the option of the Planning Commission, the City may permit~~ the applicant to pay a sum of money in lieu of the dedication of land. Said sum shall equal 13.0 percent of the market value of the undivided land as of the date of final plat approval, as carried on the tax roll or as determined by ~~of~~ the Polk County Assessor. Payment of said funds must be made at the time of approval of the final plat map.

E. ~~C-~~ All funds collected in lieu of land shall be credited to a public park and recreation development fund which may only be expended by resolution of the City Council for the purpose of acquiring land for park and recreation purposes or for the development of existing park lands.